The opinion in support of the decision being entered today was *not* written for publication in a law journal and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NEELAKANTAN SUNDARESAN

Appeal No. 2005-2041
Application No. 09/323,605
Technology Center 3600

ON BRIEF

Before GROSS, LEVY, and NAPPI, *Administrative Patent Judges.*

GROSS, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 3, 6 through 13, 16 through 23, and 26 through 30, which are all of the claims pending in this application.

Appellant's invention relates to a method and apparatus for allowing co-browsing by users shopping over a computer network while communicating with each other. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for providing co-browsing by users shopping over a computer network, comprising the steps of:

(a) providing a network site offering items for sale;

(b) monitoring the browsing patterns of a first user of the network site and of a second user of the network site;

(c) identifying a common browsing pattern of the first and second users;

(d) informing the users of the common browsing pattern;

(e) providing to the first user of the network site capability to inform the network site of interest in co-browsing with the second user;

(f) providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and

(g) providing a capability for communication between the interested first and second users while they continue to shop on the network site.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Bull	US 5,901,287	May 04, 1999 (Jul. 24, 1996)
Sonnenreich	US 5,974,446	Oct. 26, 1999 (Oct. 24, 1996)

Lorna Fernandes, "Businesses have a chat," Business Journal – San Jose, Vol. 15, No. 9 (June 1997), p. 1. (Fernandes)

Hodges et al., Multimedia Computing (1993). (Hodges)

Claims 1, 3, 6 through 11, 13, and 16 through 21, 23, and 26 through 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fernandes in view of Bull and Sonnenreich.

Claims 2, 12, and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fernandes in view of Bull, Sonnenreich, and Hodges.

Reference is made to the Examiner's Answer (mailed May 7, 2003) for the examiner's complete reasoning in support of the rejections, and to appellant's Brief (filed February 21, 2003) and Reply Brief (filed July 7, 2003) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejections of claim 1 through 3, 6 through 13, 16 through 23, and 26 through 30.

The examiner asserts (Answer, pages 4-5) that Fernandes "obviously suggests" the limitations of providing a network site offering items for sale and monitoring the browsing patterns of two users of the site. The examiner further asserts (Answer, page 5) that Bull discloses monitoring browsing patterns, identifying a common browsing pattern of users, informing users of the common browsing pattern, and providing each of two users with "a capability for communication." The examiner (Answer, page 5) relies on Sonnenreich as allegedly teaching providing to each of two users "a capability for communication." Last, the examiner (Answer, pages 5-6) relies on both Fernandes and Sonnenreich for "providing a capability for communication between said users while they continue to [sic] surfing."

Appellant points out (Brief, page 3) that the examiner fails to indicate where the various references disclose the claimed limitations and to address certain limitations. In particular, appellant states (Brief, page 4) that none of the references disclose or suggest elements (d) through (f) of claim 1. We agree.

Fernandes (page 1) "allows for simultaneous browsing on different World Wide Web sites while having a conversation" and "permits several users to access the same document simultaneously." However, nowhere does Fernandes discuss identifying a common browsing pattern of two users, informing them of the common pattern, or providing them with the ability to inform the network site of interest in co-browsing. Bull discloses monitoring the browsing pattern of a user to match that user with appropriate vendors, but fails to disclose identifying a common browsing pattern of two users, informing the users of the pattern, or allowing them to inform the network site of interest in co-browsing. Sonnenreich discloses an online classroom in which a document or presentation may be viewed by multiple students while simultaneously having a discussion. See, for example, column 3, line 66-column 4, line 5. Sonnenreich, however, fails to disclose monitoring browsing patterns of two users, identifying a common browsing pattern, informing the users of the common pattern, and providing each with the ability to inform the network site of an interest in co-browsing. Accordingly, none of the three references teaches or suggests elements (c) through (f) of claim 1. Therefore, we cannot sustain the obviousness rejection of claims 1, 3, and 6 through 10. As claim

21 includes the same limitations found lacking from Fernandes, Bull, and Sonnenreich, we cannot sustain the rejection of claims 21, 23, and 26 through 30.

Like claim 1, claim 11 requires identifying at least two users of a common browsing pattern and informing them of the common pattern. As we have found no evidence of these limitations in the three references, and the examiner has pointed to none, we cannot sustain the rejection of claims 11, 13, and 16 through 20.

With regard to claims 2, 12, and 22, the examiner adds Hodges for a teaching of a multi-pane window. Claims 2, 12, and 22, being dependent upon claims 1, 11, and 21, respectively, include all of the limitations of claims 1, 11, and 21, respectively, found lacking from Fernandes, Bull, and Sonnenreich. The examiner does not point to any teachings in Hodges that would cure the deficiencies of Fernandes, Bull, and Sonnenreich. Therefore, we cannot sustain the obviousness rejection of claims 2, 12, and 22.

CONCLUSION

The decision of the examiner rejecting claim 1 through 3, 6 through 13, 16 through 23, and 26 through 30 under 35 U.S.C. § 103 is reversed.

REVERSED

ANITA PELLMAN GROSS
Administrative Patent Judge

STUART S. LEVY
Administrative Patent Judge

ROBERT E. NAPPI
Administrative Patent Judge

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